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BEVERLY HAYNE
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 0384

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of:

**REVISION OF DIVISION ASSIGNMENTS,
REVISION OF CALENDAR ASSIGNMENTS,
AND REVISION OF CASE ASSIGNMENTS
FOR THE SUPERIOR COURT IN
YUMA COUNTY, ARIZONA**

Administrative Order

NO. 2007-10

This Administrative Order supersedes and take the place of Administrative Order No. 2006-09 filed December 14, 2006, and Administrative Order No. 2007-07 filed May 4, 2007.

The Superior Court in Yuma County wants to maintain its effective caseload management system. Case disposition statistics and best practices dictate that in order for the courts to maintain effective disposition of felonies, and to effect timely disposition of all other cases, that assignment of criminal, civil, domestic relations, reciprocal, juvenile, probate, mental health, adoption, and other proceedings among the different Divisions of the Yuma County Superior Court be changed consistent with this Administrative Order.

IT IS THEREFORE ORDERED that effective July 23, 2007, and until further order of the Presiding Judge, the following assignments are made for the Judges and Commissioners of the Yuma County Superior Court:

- (1) Mark Wayne Reeves is assigned to Division One;
- (2) John Paul Plante is assigned to Division Two;

- (3) Richard W. Donato is assigned to Division Three;
- (4) Andrew W. Gould is assigned to Division Four;
- (5) John N. Nelson is assigned to Division Five;
- (6) Larry Kenworthy is assigned to Division Six;
- (7) Kathryn Stocking-Tate is assigned as Commissioner One (formerly referred to as Division Seven); and
- (8) Denise D. Gaumont is assigned as Commissioner Two (formerly referred to as Division Eight).

IT IS FURTHER ORDERED effective July 23, 2007, and until further order of the Presiding Judge:

- (1) All cases previously assigned to the Honorable Tom C. Cole, Division One, and currently assigned to the Honorable Mark Wayne Reeves, Division One, shall continue to be assigned to the Honorable Mark Wayne Reeves, Division One;
- (2) All cases currently assigned to the Honorable John N. Nelson, Division Two, shall be assigned to the Honorable John Paul Plante, Division Two, unless retained by the Honorable John N. Nelson under separate order;
- (3) All cases previously assigned to the Honorable Thomas A. Thode, Division Three, and currently assigned to the Honorable Richard W. Donato, Division Three, shall continue to be assigned to the Honorable Richard W. Donato, Division Three;
- (4) All cases previously assigned to the Honorable Philip L. Hall, Division Four, and currently assigned to the Honorable Andrew W. Gould, Division Four, shall continue to be assigned to the Honorable Andrew W. Gould, Division Four;
- (5) All cases currently assigned to the Honorable John Paul Plante, Division Five, shall be assigned to the Honorable John N. Nelson, Division Five, unless retained by the Honorable John Paul Plante under separate order;
- (6) All cases previously assigned to the Honorable Denise D. Gaumont, Division Six, and currently assigned to the Honorable Larry Kenworthy, Division Six, shall continue to be assigned to the Honorable Larry Kenworthy, Division Six;
- (7) All cases currently assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, shall continue to be assigned to the Honorable Kathryn Stocking-Tate;
- (8) All IV-D Child Support cases currently assigned to the Honorable Denise D. Gaumont, Commissioner Two, and all other domestic relations cases currently reassigned to the Honorable Denise D. Gaumont, Commissioner Two, shall continue to be assigned to the Honorable Denise D. Gaumont, Commissioner Two.

1 Effective May 7, 2001, all felony criminal complaints filed in justice court were ordered
2 to be assigned to a Superior Court Division on a rotation basis in justice court as set forth in
3 paragraphs numbered (1) and (2) below.

4 IT IS FURTHER ORDERED that these felony criminal complaints shall continue to be
5 assigned as follows:

6 (1) The first felony complaint filed on Monday, May 7, 2001 shall
7 be assigned to Division One. Thereafter, each felony complaint
8 filed shall be assigned to the next sequentially numbered Division,
e.g., Division Two, then Division Three, then Division Four, and
starting over again with Division One.

9 (2) Fugitive felony complaints shall not be assigned to a Superior
10 Court Division.

11 In April, 2002, the Yuma County Attorney's Office instituted a policy of filing one
12 complaint per defendant in Justice Court which resulted in co-defendants being assigned to
13 separate Superior Court Divisions. In order for co-defendant cases to be assigned to the same
14 Superior Court Division,

15 IT IS ORDERED that effective July 23, 2007, and until further order of the Presiding
16 Judge, all felony criminal complaints filed in Justice Court shall continue to be assigned to a
17 Superior Court Division as set forth above, and that co-defendant cases shall continue to be
18 assigned to the same Superior Court Division. In order to facilitate this procedure, the Yuma
19 County Attorney's Office shall continue to file a Notice of Filing Co-Defendant Complaints
20 when filing co-defendant cases in Justice Court.

21 IT IS FURTHER ORDERED that if a criminal case originates in a manner other
22 than by way of a felony complaint being filed in Justice Court, such as by way of a Direct
23 Indictment, Lower Court Appeal, or Juvenile Transfer, the Clerk of the Superior Court shall
24 continue to assign those cases as follows:

25 (1) All numbered cases, the last two digits of which number when
divided by four (4) result in a remainder of one (1), to Division One;

26 (2) All numbered cases, the last two digits of which number when
27 divided by four (4) result in a remainder of two (2), to Division Two;

28 (3) All numbered cases, the last two digits of which number when
divided by four (4) result in a remainder of three (3), to Division Three;

- 1 (4) All numbered cases, the last two digits of which number when
2 divided by four (4) result in a remainder of zero (0), to Division Four.

3 IT IS FURTHER ORDERED that all pleadings, minutes entries, notices and orders filed
4 by an interested party in a Superior Court case shall reflect, immediately beneath the case
5 number, the Division number to which the case has been assigned.

6 IT IS FURTHER ORDERED that all pending criminal cases with warrants outstanding
7 that are currently assigned to a judge other than those designated in Divisions One through Four
8 above, shall be assigned to divisions according to the numbering system set forth above and
9 made a part of this administrative order for criminal cases.

10 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally
11 sentenced by a judge who is active and sitting as designated in Divisions One through Four
12 above, shall be assigned to that judge. Such assignment shall include, but not be limited to,
13 petitions for violation of probation, petitions for restoration of civil rights, and petitions to
14 modify conditions of probation.

15 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally
16 sentenced by a judge who is active and sitting as designated in Divisions One through Six
17 above, or in the Commissioner One or Commissioner Two position, shall be assigned to that
18 judge for all petition for post-conviction relief proceedings.

19 IT IS FURTHER ORDERED that all criminal cases in which a defendant was originally
20 sentenced by a judge other than those designated in Divisions One through Four above,
21 shall be assigned to divisions according to the numbering system set forth above and made a part
22 of this administrative order for criminal cases. Such assignment shall include, but not be limited
23 to, petitions for violation of probation, petitions for restoration of civil rights, petitions to modify
24 conditions of probation, and petitions for post-conviction relief.

25 IT IS ORDERED that effective with cases filed beginning July 23, 2007, and until
26 further order of the Presiding Judge, all civil cases shall continue to be assigned as follows:

- 27 (1) All numbered cases, the last two digits of which number when divided by four (4)
28 result in a remainder of one (1), to Division One;
- (2) All numbered cases, the last two digits of which number when divided by four (4)
 result in a remainder of two(2), to Division Two;

1 (3) All numbered cases, the last two digits of which number when divided by four (4)
2 result in a remainder of three (3), to Division Three;

3 (4) All numbered cases, the last two digits of which number when divided by four (4)
4 result in a remainder of zero (0), to Division Four.

5 IT IS ORDERED that effective with cases filed beginning July 23, 2007, and until
6 further order of the Presiding Judge:

7 (1) All "election contest" cases shall be assigned to Division Five; and

8 (2) Any "election contest" cases filed prior to July 23, 2007, that come
9 before the court for hearing or review after July 23, 2007, shall
10 be automatically reassigned to Division Five; and

11 (3) Division Five of the Superior Court in Yuma County is hereby
12 designated the "election division" of the Superior Court in Yuma
13 County.

14 IT IS ORDERED that effective with cases filed beginning July 23, 2007, and until further
15 order of the Presiding Judge:

16 (1) All mental health cases shall continue to be assigned to Division Three; and

17 (2) Any mental health cases filed prior to July 23, 2007, that come before the court
18 for hearing or review after July 23, 2007, shall continue to be automatically
19 reassigned to Division Three.

20 IT IS ORDERED that effective with cases filed beginning July 23, 2007, and until
21 further order of the Presiding Judge:

22 (1) All civil cases where a petition has been filed seeking an order of the court to
23 detain a person as a Sexually Violent Person pursuant to the Sexually Violent
24 Persons Act, ARS §§36-3701 through 36-3716, shall continue to be assigned to
25 Division Three; and

26 (2) Any civil cases where a petition has been filed prior to July 23, 2007,
27 seeking an order of the court to detain a person as a Sexually Violent
28 Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through
36-3716, that come before the court for hearing or review after July 23, 2007,
shall continue to be automatically assigned to Division Three.

IT IS ORDERED that effective with cases filed beginning July 23, 2007, and until
further order of the Presiding Judge:

(1) All adoption cases shall continue to be assigned to Commissioner One; and

(2) Any adoption cases filed prior to July 23, 2007, that come before the court for
hearing or review after July 23, 2007, shall continue to be automatically
reassigned to Commissioner One.

1 IT IS ORDERED that effective with cases filed beginning July 23, 2007, and until
2 further order of the Presiding Judge:

- 3 (1) All probate cases shall continue to be assigned on a rotation basis
4 to Division Two and Division Three with all even
5 numbered cases being assigned to Division Two, and
6 all odd numbered cases being assigned to Division Three; and
- 7 (2) Any probate cases filed prior to July 23, 2007, that come on before
8 the court for hearing or review after July 23, 2007, shall be
9 automatically assigned on a rotation basis to Division Two and
10 Division Three, with all even numbered cases being assigned to
11 Division Two, and all odd numbered cases being assigned to
12 Division Three.

13 IT IS ORDERED that effective with cases filed beginning July 23, 2007, and
14 until further order of the Presiding Judge:

- 15 (1) All guardianship and conservatorship cases shall continue to be assigned
16 on a rotation basis to Division Two and Division Three with all even
17 numbered cases being assigned to Division Two, and all odd
18 numbered cases being assigned to Division Three; and
- 19 (2) Any guardianship and conservatorship cases filed prior to July 23, 2007,
20 that come on before the court for hearing or review after July 23, 2007,
21 shall be automatically assigned on a rotation basis to Division Two and
22 Division Three, with all even numbered cases being assigned to Division
23 Two, and all odd numbered cases being assigned to Division Three.

24 IT IS ORDERED effective with cases filed beginning July 23, 2007, and until
25 further order of the Presiding Judge:

- 26 (1) All domestic relations cases, except Title IV-D cases addressed
27 below, shall continue to be assigned on a rotation basis to
28 Division Six and Commissioner One, with all even numbered
cases being assigned to Division Six and all odd
numbered cases being assigned to Commissioner One; and
- (2) Any domestic relations cases, except Title IV-D cases addressed
below, filed prior to July 23, 2007, that come on before the court
for hearing or review after July 23, 2007, shall be automatically
assigned on a rotation basis to Division Six and Commissioner One,
with all even numbered cases being assigned to Division Six and all
odd numbered cases being assigned to Commissioner One; and
- (3) All Title IV(D) child support actions initiated by the Arizona Attorney
General's Office shall continue to be assigned to Commissioner Two; and
- (4) Any Title IV(D) child support actions initiated by the Arizona
Attorney General's Office filed prior to July 23, 2007, that come
before the court for hearing or review after July 23, 2007,
and after, shall continue to be assigned to Commissioner Two; and

1 (5) Any Title IV(D) cases assigned under (3) & (4) above, that come
2 before the court for hearing on some issue other than child support,
3 shall continue to be reassigned to Division Six and Commissioner One
for those contested issues. These hearings would include, but not
be limited to, a visitation issue, a custody issue, or a change of custody issue.

4 IT IS ORDERED that all cases in the Juvenile Division of the Yuma Superior
5 Court shall continue to be assigned to Division Five.

6 IT IS ORDERED that all cases of the Adult Drug Court shall continue to be assigned to
7 Division One and Division Four.

8 IT IS ORDERED beginning July 23, 2007, Commissioner Two shall continue to hear
9 cases for the Juvenile Division of the Superior Court all day on Mondays, all day on Tuesdays,
10 and on Wednesday mornings; further, that she shall hear cases for the Superior Court on
11 Wednesday afternoons, all day on Thursdays and all day on Fridays.

12 IT IS ORDERED effective July 23, 2007, and until further order of the Presiding Judge,
13 Commissioner Two shall continue to hear all domestic relations default actions on Wednesdays
14 commencing at 2:00 p.m.

15 IT IS ORDERED effective July 23, 2007, and until further order of the Presiding Judge,
16 all Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall
17 continue to be heard by Commissioner Two on Thursdays commencing at 8:30 a.m.

18 IT IS ORDERED effective July 23, 2007, and until further order of the Presiding Judge,
19 Commissioner Two shall continue to hear an order of protection calendar on Fridays
20 commencing at 8:30 a.m. Commissioner Two will set as many hearings as time allows. Any
21 hearings that Commissioner Two is not able to handle due to time constraints or calendar
22 conflicts will be set before the division to whom they are assigned.

23 IT IS ORDERED effective July 23, 2007, and until further order of the Presiding Judge,
24 all Arraignments shall continue to be heard by Division Six on Fridays commencing at 8:30 a.m.

25 IT IS ORDERED beginning July 23, 2007, and until further order of this court, all
26 Motions to Review Conditions of Release shall continue to be heard by Division Six on Fridays
27 commencing at 9:00 a.m.

28 IT IS ORDERED beginning July 23, 2007, and until further order of the presiding judge,

1 the administrative duties and responsibilities of calling and impaneling grand juries by the
2 Superior Court in Yuma County, and hearings regarding grand jury presentments shall, in
3 addition to the presiding judge, be assigned to Division One. Division One shall assume the
4 primary assignment of all matters pertaining to a grand jury requiring the attention of a Superior
5 Court judge in Yuma County.


6 Notwithstanding the foregoing judicial assignments, during the absence or
7 unavailability of any Superior Court Judge, another Superior Court Judge may be substituted in
8 his or her place.

9 IT IS ORDERED effective July 23, 2007, and until further order of the Presiding
10 Judge, the criminal calendars shall continue to be held as follows:

- 11 (1) Divisions One and Four on Tuesday and Thursday mornings commencing at 8:30
12 a.m; and
13 (2) Divisions Two and Three on Wednesday and Friday mornings commencing at
14 8:30 a.m.

15 IT IS ORDERED that Law and Motion Day shall continue to be the first working day of
16 each week, with proceedings being held on that day unless otherwise set by the Judge assigned to
17 a particular case.

18 DATED this 27th day of June, 2007.

19 
20 Honorable Andrew W. Gould
Presiding Judge

21 **Copies to:**

22 Hon. Tom C. Cole
23 Hon. John N. Nelson
24 Hon. Richard W. Donato
25 Hon. Andrew W. Gould
26 Hon. John Paul Plante
27 Hon. Larry Kenworthy
28 Hon. Kathryn Stocking-Tate
Hon. Denise D. Gaumont
Hon. Beverly Frame, Clerk of the Superior Court
Margaret Guidero, Court Administrator
Jon Smith, Yuma County Attorney
Michael Breeze, Yuma Public Defender
Jose de la Vara, Yuma Legal Defender
Ronald F. Jones, Conflict Administrator
Jane E. Pray, Caseflow Manager
Mark Wayne Reeves, Courtesy Copy
Yuma County Bar